

PUBLIC SERVICE COMMISSION OF WISCONSIN

Minutes and Informal Instructions of the Open Meeting of
Friday, February 20, 2009

The Public Service Commission of Wisconsin (Commission) met as noticed. Present were Chairperson Callisto, Commissioner Meyer, and Commissioner Azar.

190-CW-108 – Application of Appleton Water Department, Outagamie, Calumet, and Winnebago Counties, to Construct an Appleton Water Treatment Facility Second Raw Water Line Project

The Commission approved the Notice of Investigation and directed it be signed by the Secretary to the Commission on behalf of the Commission.

5-TI-1912 – 2009 Annual Review of the Earnings of Small Telecommunications Utilities

The Commission approved the Notice of Investigation and directed it be signed by the Secretary to the Commission on behalf of the Commission.

455-CW-100 – Application of Beloit Water Utility, Rock County, Wisconsin, to Construct the Gateway Boulevard Booster Station

The Commission approved the Notice of Investigation and directed it be signed by the Secretary to the Commission on behalf of the Commission.

1435-WR-101 – Application of the Village of Crivitz Water Utility, Marinette County, Wisconsin, for Authority to Increase Water Rates

The Commission approved the Notice of Proceeding and Telephonic Hearing and directed it be signed by the Secretary to the Commission on behalf of the Commission.

1740-WR-110 – Application of Eau Claire Municipal Water Utility, Eau Claire and Chippewa Counties, for Authority to Increase Water Rates

The Commission approved the Notice of Proceeding and Telephonic Hearing and directed it be signed by the Secretary to the Commission on behalf of the Commission.

2375-CW-105 – Application of Greenville Sanitary District, Outagamie County, Wisconsin, to Construct a New Elevated Storage Tank

The Commission approved the Notice of Investigation and directed it be signed by the Secretary to the Commission on behalf of the Commission.

3030-WR-104 – Application of Lancaster Municipal Water Utility, Grant County, Wisconsin, for Authority to Increase Water Rates

The Commission approved the Notice of Proceeding and Telephonic Hearing and directed it be signed by the Secretary to the Commission on behalf of the Commission.

3720-CW-117 – Application of Milwaukee Water Works, Milwaukee County, Wisconsin, for the 2009 Plant Capital Improvement Program

The Commission approved the Notice of Investigation and directed it be signed by the Secretary to the Commission on behalf of the Commission.

4090-CW-107 – Application of New Berlin Water Utility, Waukesha County, Wisconsin, to Construct Pumping, Piping and Control Modifications at the Grange Station and at Wells 3, 7 and 8

The Commission approved the Notice of Investigation and directed it be signed by the Secretary to the Commission on behalf of the Commission.

4090-WR-103 – Application of New Berlin Water Utility, Waukesha County, Wisconsin, for Authority to Increase Water Rates

The Commission approved the Notice of Proceeding and directed it be signed by the Secretary to the Commission on behalf of the Commission.

4220-AU-134 – Application of Northern States Power Company (Wisconsin), d/b/a Xcel Energy, for Approval of an Affiliated Interest Agreement with Xcel Energy Services, Inc.

The Commission discussed the draft final decision in this matter and then directed that this matter be laid over for further discussion at the next open meeting.

Delegated Authority to Certify Depreciation Rates

The Commission modified its delegation instructions (Item 34) related to depreciation changes to read as follows: “Certification of depreciation rates.”

6630-113706 – Complaint Filed by Michael Payleitner Against Wisconsin Electric Power Company (We Energies)

The Commission continued its discussion from the open meeting of January 15, 2009, regarding the complaint against We Energies filed by Mr. Michael Payleitner.

After reviewing the additional information submitted, the Commission determined that Mr. Payleitner's request for a formal review of his complaint against We Energies, related to Mr. Payleitner's claim that he should not be responsible for the billing for natural gas service at the commercial property that he previously owned, is without merit.

The Commission directed the Division of Water, Compliance and Consumer Affairs to draft a letter consistent with its discussion.

6690-FR-101 – Fuel Rules Proceeding to Adjust Wisconsin Public Service Corporation's Electric Rates Originally Set in Docket 6690-UR-118

The Commission approved the request filed on behalf of Wisconsin Public Service Corporation request to apply a \$.0054 per kilowatt hour fuel credit, related to its overcollection of 2008 fuel costs, to its Wisconsin retail customers' bills for March 2009 electric usage.

The Commission directed the Gas and Energy Division to prepare an order consistent with its decision.

(At this point, Commissioner Azar left the meeting.)

CLOSED SESSION - The Commission recessed the open meeting, went into closed session under Wis. Stat. § 19.85(1)(g) to discuss the litigation matters noted below with legal counsel, and reconvened the open meeting pursuant to Wis. Stat. § 19.85(2).

Discussion of filing an *amicus curiae* brief in *American Transmission Company, LLC v. Dane County*, Fourth District Court of Appeals Case No. 2008AP2604

Commissioner Meyer moved, pursuant to Wis. Stat. § 19.85(1)(g), that the Commission convene in closed session to discuss litigation matters with counsel. Chairperson Callisto seconded the motion. The motion was carried and the Commission went into closed session.

After a discussion in closed session, the Commission reconvened in open session and directed that this matter be laid over for future determination.

The Commission adjourned the open meeting at 11:34 a.m.

Sandra J. Paske
Secretary to the Commission